

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	1

### MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 and local administration and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-23-25-9, AS AMENDED BY P.L.291-2001,
- 7 SECTION 167, IS AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2003]: Sec. 9. The department of workforce
- 9 development established by IC 22-4.1-2 shall provide staff and
- 10 administrative support to:
- 11 (1) the commission; **and**
- 12 (2) **the sexual assault standards and certification board.**
- 13 SECTION 2. IC 4-23-25-11 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2003]: **Sec. 11. (a) As used in this section, "board" refers to the**

1 sexual assault standards and certification board established by  
2 subsection (c).

3 (b) As used in this section, "rape crisis center" means an  
4 organization that provides a full continuum of services, including  
5 hotlines, victim advocacy, and support services from the onset of  
6 need for services through the completion of healing, to victims of  
7 sexual assault.

8 (c) The sexual assault standards and certification board is  
9 established and consists of the following seven (7) members  
10 appointed by the governor:

11 (1) A member recommended by the commission.

12 (2) A member from law enforcement.

13 (3) A member from the judicial system.

14 (4) A member recommended by the Indiana coalition against  
15 sexual assault.

16 (5) A member representing mental health professionals.

17 (6) A member representing hospital administration.

18 (7) A member who is an emergency room nurse.

19 (d) A member shall be appointed for a four (4) year term. Not  
20 more than four (4) members may be of the same political party.

21 (e) The members of the board shall elect a member to serve as  
22 chairperson.

23 (f) The board shall meet at the call of the chairperson. Four (4)  
24 members of the board constitute a quorum.

25 (g) The board shall:

26 (1) develop standards for certification as a sexual assault  
27 victim advocate;

28 (2) set fees that cover the costs for the certification process;  
29 and

30 (3) adopt rules under IC 4-22-2 to implement this section.

31 (h) Members of the board may not receive salary per diem.  
32 Members of the board are entitled to receive reimbursement for  
33 mileage for attendance at meetings.

34 (i) The sexual assault victims assistance account is established  
35 within the state general fund. The board shall administer the  
36 account to provide financial assistance to rape crisis centers.  
37 Money in the account must be distributed to a statewide nonprofit  
38 corporation whose primary purpose is pursuing the eradication of

sexual violence in Indiana. The nonprofit corporation shall allocate money in the account to rape crisis centers. The account consists of:

- (1) amounts transferred to the account for sexual assault victims assistance fees collected under IC 33-19-6-21;
- (2) any appropriations to the account from other sources;
- (3) fees collected for certification by the board;
- (4) grants, gifts, and donations intended for deposit in the account; and
- (5) interest accruing from the money in the account.

(j) The expenses of administering the account shall be paid from money in the account. The board shall designate not more than ten percent (10%) of the appropriation made each year to the nonprofit corporation for program administration. The board may not use more than ten percent (10%) of the money collected from certification fees to administer the certification program.

(k) Money in the account is continually appropriated for purposes of this section.

(l) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(m) Money in the account at the end of a state fiscal year does not revert to the state general fund."

Page 1, after line 8, begin a new paragraph and insert:

"SECTION 2. IC 33-19-7-1, AS AMENDED BY P.L.39-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the

auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance ~~fund~~ **account** established under ~~IC 16-19-13-6~~ **IC 4-23-25-11(i)** one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

SECTION 3. IC 36-2-13-5.5, AS ADDED BY P.L.116-2002, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain a sex offender web site, known as the Indiana sheriffs' sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. **The web site shall be updated at least every seven (7) days.**

(b) The sex offender web site must include the following

1 information:

2 (1) A recent photograph of every sex offender who has registered  
3 with a sheriff after the effective date of this chapter.

4 (2) The home address of every sex offender.

5 (3) The information required to be included in the sex offender  
6 directory (IC 5-2-12-6).

7 (c) Every time a sex offender submits a new registration form to the  
8 sheriff, but at least once per year, the sheriff shall photograph the sex  
9 offender. The sheriff shall place this photograph on the sex offender  
10 web site.

11 (d) The photograph of a sex offender described in subsection (c)  
12 must meet the following requirements:

13 (1) The photograph must be full face, front view, with a plain  
14 white or off-white background.

15 (2) The image of the offender's face, measured from the bottom  
16 of the chin to the top of the head, must fill at least seventy-five  
17 percent (75%) of the photograph.

18 (3) The photograph must be in color.

19 (4) The photograph must show the offender dressed in normal  
20 street attire, without a hat or headgear that obscures the hair or  
21 hairline.

22 (5) If the offender normally and consistently wears prescription  
23 glasses, a hearing device, wig, or a similar article, the photograph  
24 must show the offender wearing those items. A photograph may  
25 not include dark glasses or nonprescription glasses with tinted  
26 lenses unless the offender can provide a medical certificate  
27 demonstrating that tinted lenses are required for medical reasons.

28 (6) The photograph must have sufficient resolution to permit the  
29 offender to be easily identified by a person accessing the sex  
30 offender web site.

31 (e) The sex offender web site may be funded from:

32 (1) the jail commissary fund (IC 36-8-10-21);

33 (2) a grant from the criminal justice institute; and

34 (3) any other source, subject to the approval of the county fiscal  
35 body.

36 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE  
37 JULY 1, 2003]: IC 16-18-2-307.5; IC 16-19-13-6.

38 SECTION 5. [EFFECTIVE JULY 1, 2003] (a) **The initial terms of**

- 1 office for the seven (7) individuals appointed under IC 4-23-25-11,  
 2 as added by this act, are as follows:
- 3 (1) Two (2) members for a term of four (4) years.
  - 4 (2) Two (2) members for a term of three (3) years.
  - 5 (3) Two (2) members for a term of two (2) years.
  - 6 (4) One (1) member for a term of one (1) year.
  - 7 (b) The initial terms begin July 1, 2003.
  - 8 (c) The governor shall call the board together for the first  
 9 meeting and designate the term for each member under subsection  
 10 (a).
  - 11 (d) This SECTION expires July 1, 2007.
- 12 SECTION 6. [EFFECTIVE JULY 1, 2003] (a) All assets, funds,  
 13 rights, and obligations of the sexual assault victims assistance fund  
 14 (IC 16-19-13-6) on June 30, 2003, are transferred on July 1, 2003,  
 15 to the sexual assault victims assistance account established by  
 16 IC 4-23-25-11, as added by this act.
- 17 (b) This SECTION expires July 2, 2003."
- 18 Renumber all SECTIONS consecutively.  
 (Reference is to SB 286 as printed February 7, 2003.)

and when so amended that said bill do pass.

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Representative Weinzapfel